



House of Representatives

File No. 836

General Assembly

January Session, 2013

(Reprint of File No. 739)

House Bill No. 6693
As Amended by House Amendment
Schedule "A"

Approved by the Legislative Commissioner
May 20, 2013

AN ACT CONCERNING COSTS INCURRED BY STATE RESIDENTS WHEN RESPONDING TO OUT-OF-STATE DISCOVERY REQUESTS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (f) of section 52-148e of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective*
3 *October 1, 2013*):

4 (f) Deposition of witnesses living in this state may be taken in like
5 manner to be used as evidence in a civil action or probate proceeding
6 pending in any court of the United States or of any other state of the
7 United States or of any foreign country, on application to the court in
8 which such civil action or probate proceeding is pending of any party
9 to such civil action or probate proceeding. A party requesting a
10 subpoena under this subsection shall reimburse any witness, who is
11 not a party to the civil action or probate proceeding in which the
12 evidence is to be used, for all reasonable costs incurred by the witness
13 in complying with the subpoena, including, but not limited to, the
14 costs of appearing for a deposition, the costs of producing books,

15 papers, documents or tangible things, electronic discovery costs, and
16 attorney's fees. The Superior Court shall have jurisdiction to (1) quash
17 or modify, or to enforce compliance with, a subpoena issued for the
18 taking of a deposition pursuant to this subsection, and (2) order a
19 party requesting a subpoena under this subsection to reimburse the
20 witness for reasonable costs incurred by the witness in complying with
21 the subpoena. Nothing in this subsection shall be construed as
22 precluding the party requesting compliance with a subpoena from
23 making advance payments to a witness to reimburse the witness for
24 reasonable costs in complying with the subpoena.

This act shall take effect as follows and shall amend the following sections:

Section 1	October 1, 2013	52-148e(f)
-----------	-----------------	------------

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact: None

Municipal Impact: None

Explanation

The bill affects out-of-state civil actions and does not result in a fiscal impact.

House "A" strikes the language of the underlying bill. It replaces the bill with language that does not result in a fiscal impact.

The Out Years

State Impact: None

Municipal Impact: None

OLR Bill Analysis**HB 6693 (as amended by House "A")******AN ACT CONCERNING COSTS INCURRED BY STATE RESIDENTS WHEN RESPONDING TO OUT-OF-STATE DISCOVERY REQUESTS.*****SUMMARY:**

This bill requires a party to an out-of-state probate proceeding or civil action to reimburse the reasonable costs of any non-party, Connecticut-based witness from whom he or she subpoenas deposition testimony. This includes the cost of appearing at the deposition, producing documents and tangible objects, electronic discovery, and attorneys' fees.

Under the bill, the Superior Court has the authority to order the subpoenaing party to reimburse a non-party, Connecticut-based witness for his or her reasonable costs. The bill allows a subpoenaing party to satisfy the reimbursement requirement by making an advance payment to a witness to cover his or her reasonable costs.

*House Amendment "A" (1) provides the Superior Court with the authority to order a subpoenaing party to reimburse witnesses and (2) allows a subpoenaing party to satisfy the reimbursement requirement by advancing payment to the witness.

EFFECTIVE DATE: October 1, 2013

COMMITTEE ACTION

Judiciary Committee

Joint Favorable

Yea 41 Nay 0 (04/19/2013)